

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ADRIANN MCGEE,
Admin. of the Estate of LeDarren D. Mixon,

Plaintiff,

Civil Action 2:19-cv-379
Judge Algenon L. Marbley
Magistrate Judge Chelsey M. Vascura

v.

CITY OF WHITEHALL, *et al.*,

Defendants.

PRELIMINARY PRETRIAL ORDER

Per the parties' agreement and request, the Court enters the following case schedule:

Rule 26(a)(1) Initial Disclosures

The parties have agreed to make initial disclosures by **April 16, 2019**.

Jurisdiction and Venue

There are no contested issues relating to jurisdiction or venue.

Amendments to Pleadings and/or Joinder of Parties

Motions or stipulations addressing the parties or pleadings, if any, must be filed no later than **May 31, 2019**.

Motions

There are no pending motions.

Allegations in the Pleadings and Jury Demand

Plaintiff alleges that the named officers used excessive force against LeDarren Mixon during the execution of a search warrant. Plaintiff asserts a Fourth Amendment excessive force

claim against the named officers, a supervisory liability claim, a *Monell* claim against the City Defendants, as well as a state-law claim for wrongful death against all Defendants. Defendants deny liability and assert both qualified and statutory immunity.

There is a jury demand.

Expert Disclosures¹

Plaintiff shall produce her primary expert reports on or before **September 2, 2019**.

Defendants shall produce their primary expert reports on or before **October 25, 2019**. Rebuttal expert reports shall be produced on or before **December 2, 2019**.

If an expert is retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony, the witness identification must consist of a report that conforms to Rule 26(a)(2), unless otherwise stipulated or ordered by the Court.

Discovery Deadline and Limitations

The parties may, without further leave of Court, agree to exceed the limitations on discovery established by the Federal Rules of Civil Procedure or the Local Rules of this Court. If the parties are unable to reach an agreement on any matter related to discovery, prior to filing a motion, they are directed to arrange an informal conference with the Court.

All discovery shall be completed by **January 31, 2020**. For purposes of complying with this Order, the parties must schedule their discovery in such a way as to require all responses to be

¹ Rebuttal/Responsive experts are strictly limited to rebutting unanticipated opinions expressed by a primary expert. When the plaintiff intends to offer no expert testimony supporting his or her claims, but the defendant chooses to offer expert testimony on them that would ordinarily constitute rebuttal/responsive testimony, the defendant's experts must make such disclosures by the first deadline.

served prior to the deadline and must also file any motions relating to discovery within the discovery period.

The parties do not anticipate the production of ESI.

The parties do not intend to seek entry of a protective order or clawback agreement.

Dispositive Motions

Case dispositive motions must be filed by **February 28, 2020**.

Settlement

Plaintiff will make a settlement demand by **June 14, 2019**. Defendants will respond by **June 28, 2019**. The parties will participate in the **December 2019 Settlement Week**. Referral to settlement week has no effect on the case schedule. All deadlines established in this Order will remain in place unless the parties move for and are granted a continuance or stay. In the event the parties schedule a private mediation, they may notify the Court and request to be excused from participation in Settlement Week.

Other Matters

If any date set in this Order falls on a Saturday, Sunday, or legal holiday, the date of the next business day will control.

Plaintiff's counsel will provide defense counsel with quarterly reports of attorney's fees incurred.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE